

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

July 26, 2018
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Ms. Jennifer Ruby, Chairperson
Mr. Nathan Andersen, Vice Chairman
Mr. Greg Arnett
Mr. Bruce Burrows
Mr. Jimmy Lindblom
Mr. Robert Zamora

MEMBERS ABSENT:

Mr. B.J. Copeland
Mr. Michael Cowley
Mr. Broc Hiatt
Ms. Francisca Montoya

STAFF PRESENT:

Ms. Jen Pokorski, Director
Mr. Darren Gerard, Planning Deputy Director
Ms. Rachel Applegate, Senior Planner
Ms. Jaclyn Sarnowski
Mr. Derek Scheerer, Planner
Mr. Farhad Tavassoli, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney

CONSENT:

MCP2017005, Z2018025, CPA2018004, Z2018034, Z2018049

REGULAR:

Z2017115, Z2017069

Meeting called to order at 9:30 a.m. and Chairperson Ruby welcomed Ms. Jen Pokorski, the new director of Planning and Development.

Chairperson Ruby noted a few agenda changes - #3 CPA2018004, #4 Z2018034, and #5 Z2018049 are moving to the regular agenda.

CONSENT AGENDA

Military Compatability Permit - MCP2017005 (Cont. from 6/28/18

District 4

Applicant: Dan Biswas, SimonCRE Second, LLC
Location: Generally located 200' east of the NEC of Glendale Ave. and 137th Ave. in the Glendale area

Request: Military Compatibility Permit (MCP) with a precise Plan of Development – Dollar General

Zoning - Z2018025

District 4

Applicant: Wendy Riddell, Berry Riddell, LLC
Location: Generally located at the southwest corner of Claremont St. and 135th Ave. in the Litchfield Park area
Request: Zone Change from Rural-43 to R-5 RUPD for an existing Mobile Home Park – Litchfield Village

Ms. Applegate presented the consent agenda.

COMMISSION ACTION: Commissioner Burrows motioned to approve the consent agenda, MCP2017005 with conditions 'a'-'g', and Z2018025 with conditions 'a'-'f'. Commissioner Arnett second. Approved 6-0.

MCP2017005 conditions;

- a. Development of the site substantially shall comply with the Site Plan entitled "A Proposed Military Compatibility Permit for: Dollar General" consisting of 3 full-size sheets, dated May 24, 2018, and stamped received June 3, 2018, except as modified by the following conditions.
- b. Development of the site shall substantially be in conformance with the Narrative Report entitled, "Narrative Report for Dollar General - Glendale", consisting of 5 pages, undated, and stamped received June 3, 2018, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
 1. Applicant shall demonstrate valid permit for access to Glendale right-of-way prior to permit approval.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 1. Prior to construction permit issued, must obtain Storm Water Pollution Prevention Plan approval from MCESD.
- e. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

Z2018025 conditions;

- a. Development of the site shall generally comply with the Site Plan unentitled consisting of 1 full-size sheet stamped received June 14, 2018 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Litchfield Village, Rezoning Project Narrative", consisting of 5 pages, dated March 20, 2018, stamped received June 14, 2018, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
 - 1. No development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments.
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no

diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

REGULAR AGENDA

Comprehensive Plan Amendment - CPA2018004

District 4

Applicant: Ashley Marsh, Tiffany & Bosco, PA
Location: Generally located approx. 225' east of the southeast corner of Camelback Rd. and Jackrabbit Trail/195th Ave.
Request: Comprehensive Plan Amendment to change the land use designation from Large Lot Residential (1-2 d.u./ac.) to Single Family – Transitional Lot (3-5 d.u/ac.) – The Landings

Ms. Sarnowski presented CPA2018004 and Z2018034 and noted staff has received one letter of opposition from a neighboring property owner. Through the community outreach meeting, the applicant has agreed on specific development standards in height and lot widths for lots adjacent to the Rural-43 single-family residents to the south. Staff recommends approval subject to conditions in the staff report.

Mr. Bill Lally with Tiffany & Bosco representing the applicant said this case was on consent for many months and has worked very closely with staff and many of the neighbors. This is a private development that will have private water and they are working closely with Liberty on the sewer extension for the area. At a certain level of intensity and density a lot of that infrastructure makes sense for them to extend. The noise contours and graduated density calls for a 6+ type density in this area and we are much less than that at a 3.7, which is very consistent with some of the densities and lot sizes that you see in the area. Zanjero Trails came through this Commission and the Board of Supervisors a few years ago at a much lower lot count, Russell Ranch and Verado. You are starting to see this area of the valley go from some of those old one acre lots subdivisions to more of a master plan type subdivision with open space in the community where all the residents can use, instead of a one acre backyard paradise where there's zero open space. What we're trying to do is mimic the successful communities in the area with a common area of open space. The property is unique where we have the large flood control channel on the west side of the property that sets back from the road 200 feet, and it's going to serve as a regional trail connection with natural open space, and natural buffer for this subdivision. On the east side is the Beardsley Canal wash that runs down the entire boundary with connections for trail opportunities. You have over 400 feet of buffering between the two sides to the east and west. To the north is similar type of subdivision density and intensity. The south is where we spent a lot of time trying to work with the community. The conceptual site plan shows a central park almost five acres comparatively to the size of the project and there is large open space on each side, then you have a central park location that will have connections to it. That is going to be what makes a great community and what is going to make a sustainable community to attract large national production home builders. In turn, it will drive up property values

for all the existing surrounding properties. To the south we have a row of large lot residential units, and that's where we spent a lot of our time talking with those individuals early on before the outreach signs and letters went out trying to determine what we can do to mitigate. There are three things we had done early on in the process and it was incorporated into the stipulations in the staff report. Having an additional open space buffer between the southern properties and our lots, maximizing the height of the building to 20 feet on the entire south row, and maximizing the lot sizes at the larger lots of the entire south row. These are three pretty critical things we felt were important to give early and make sure they got in the staff report so it wasn't a last minute negotiation. As you can see nobody is here today. This type of density in this kind of area we thought was important to get out early and not to bring surprises to the hearing. The lot sizes are similar and the density is similar to what's happening and is successful in the area. This is along two major corridors Camelback Road and Jack Rabbit Trail, the large open spaces on both sides of this density is going to facilitate Liberty putting together a sewer plan that will probably help other landowners in the area with real urban facilities.

Commissioner Arnett asked if the opposition letter is from a property owner to the south. Chairperson Ruby said it's from a nonadjacent property owner.

Chairperson Ruby said she appreciates when the applicant does that much work with the neighbors upfront.

COMMISSION ACTION: Commissioner Burrows motioned to approve CPA2018004 with conditions 'a'-'c'. Commissioner Arnett second. Approved 6-0.

- a. Development of the site shall be in general conformance with the Narrative Report entitled "The Landings, Comprehensive Plan Amendment, Project Narrative", consisting of 22 pages, stamped received June 4, 2018, except as modified by the following conditions.
- b. The total number of residential units shall not exceed 388 dwelling units.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

Zoning - Z2018034

District 4

Applicant: Ashley Marsh, Tiffany & Bosco, PA

Location: Generally located approx. 225' east of the southeast corner of Camelback Rd. and Jackrabbit Trail/195th Ave.

Request: Zone Change from Rural-43 to R1-6 RUPD – The Landings Zone Change

COMMISSION ACTION: Commissioner Burrows motioned to approve Z2018034 with conditions 'a'-'h'. Commissioner Arnett second. Approved 6-0.

- a. Development of the site shall be in general conformance with the Zoning Exhibit entitled "The Landings Zoning Exhibit", consisting of one 11x17, dated June 29, 2018 and stamped received July 1, 2018, except as modified by the following conditions. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised exhibit indicating the changes to the RUPD Table.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "The Landings", consisting of 29 pages, dated June 29, 2018, and stamped received July 1, 2018, except as modified by the following conditions. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised narrative indicating the changes to the RUPD Table.
- c. The following Planning Engineering conditions shall apply:
 1. Without the submittal of precise plans, no development approval is inferred by this review, including, but not limited to, drainage design, access, and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 2. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
- d. All buildings should be subject to noise attenuation as per ARS § 28-8482(B).
- e. The following R1-6 RUPD standards shall apply:
 1. Height: 30' (20', along southern portion of development, adjacent to current Rural-43 SFR)
 2. Front Yard: 18' with front loaded garage; 12' for side loaded garage or livable area
 3. Rear Yard: 20'
 4. Lot Area: 5,400 sq. ft. on 45' lots / 6,800 sq. ft. on 55' lots
 5. Lot Width: 45'/55' (55' lot width for lots along the southern portion of development, adjacent to current Rural-43 SFR)
 6. Lot Coverage: 55%
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Zoning - Z2018049

District 4

Applicant: George Pasquel III, Withey Morris, PLC
Location: Generally located on the northeast corner of 175th Ave. & Olive Dr.
Request: Zone Change from R1-18 RUPD to R1-6 RUPD– Zanjero Pass Parcel 4, Phase 1

Ms. Sarnowski presented Z2018049 and noted the applicant has requested to modify some of the development standards as outlined in the staff report for the R1-6 zoning district. Staff received one letter of opposition regarding the requested zoning district. Staff recommends approval subject to conditions 'a'-'i' as outlined in the staff report.

Mr. Adam Baugh with Withey Morris representing the applicant said the City of Phoenix and Maricopa County has always had this dynamic of growth. It's always been what's appropriate for growth but growth helps create communities and drives our economy. What's been an important requirement is to adopt a general plan at least every ten years and to revisit that. The point of a general plan is to steer development in a certain pattern, a pattern that's predictable and appropriate. Cities and municipalities have areas of influence and have plan areas, and even though properties may not be annexed into a particular city they designate and mark their territory with the plan area. In this case this property is in the Glendale plan area but it's not annexed into the City of Glendale. When an applicant files an application with Maricopa County they look to see if it is consistent with the comprehensive plan or is it consistent with the municipal general plan for that area. It guides development and it puts neighbors on notice that's what's expected to come here. It puts development on notice that's the type of development the cities and county encourage for this area. In Glendale the general plan is designated for 3-1/2 to 5 homes per acre. This is the residential density that isn't new to this area and it is actually consistent with the densities in this area. There is vacant land on three sides of us and some very small residential lots to the north. When you look at the zoning pattern in the area, you start to see a lot of R1-6 subdivisions, Cortessa, White Tanks Foothills and Granite

Vista and a number of other R1-6 properties that have not been platted yet and then you have some R1-7 as well. There are some homes that are one acre subdivisions dating many years back, vacant land in this area has followed this particular development pattern because it's only 1-1/2 miles from a major transportation corridor, the 303 Freeway. It is on an arterial street and it is the type of density and trend you see for homebuilders in this area. We are not proposing anything new that hasn't already been established in this area. We had a fantastic neighborhood effort and we did not have any calls or concerns until yesterday, staff received an opposition letter. This home is located about 3,000 feet away from us. We are proposing something that is totally harmonious, and it is in line with the development patterns in this area, and it is consistent with the general plan.

Mr. Jim Hagedorn said he is against this change and it would be nice if the developer would have gotten input from the neighborhood before the meeting today. The handout explains how many sardines Glendale can put on an acre lot, and technically it is not Glendale but it doesn't mean we have to go with the standards. He lives in District 4 and he met with an assistant that said he can't compare the County with cities because we're smaller and we don't have the money and the resources. This is exactly why this should be stopped, it's going to increase the taxes and all these little things are coming up because of subdivisions that are putting in a million people per acre. The words of diversity was mentioned, but no words of quality of life mentioned. When you look at the map of all those people that are going to be living in that little subdivision with very few open spaces. Olive is considered a wash, so it's not going to be one where you're going to have a lot of picnics and parties. There's not enough room they will be playing in the streets and running around the neighborhood, these are basically starter homes with a high turnover rate when families have more than two children. Cortessa is an example not to use because when he hears Rural Metro come it is going to Cortessa, it's not going anywhere else. When you put this big development in with sandwich lots, you'll have more problems, the police will have a hard time coming in a timely manner. Nobody even came over to discuss this with us to what they were going to be doing. On page 9 of the report it says it provides for a density that mirrors a single-family home developed along Olive and Cotton Lane, but there is no single-family home developments on Olive and Cotton Lane that will mirror that. If you make the homes a little bigger, and lots a little bigger, and give more amenities they may be more appealing to the people and they would stay and not make it a bedroom community or a transitional home. It is a burden to all of us that has maintained homes here for several years. He is against this and there should have been more planning for the neighborhood. When he went around the neighborhood and asked what they thought about it, a lot of them didn't know about it until the sign went up and most are dead set against it.

Chairperson Ruby asked staff if they could confirm that the applicant followed the public notice protocol. Ms. Sarnowski said yes they did.

Mr. Baugh said these types of developments help build communities and they actually help to keep costs lower. Right now a sewer line is being built and it will encourage future development, future retail and future employment in this area which will reduce commute times. When one subdivision bares the costs of those improvements more subdivisions come on line and more homeowners contribute to those costs and utility

rates come down. Our notice requirement where Mr. Hagedorn lives is 10 times greater than what's required by the County. We met every standard and two sets of letters went out at different times, and the sites been posted within 30 days of the application and again when the hearing dates were set. He hopes kids play in the street and play in the open spaces since that is what he did as a kid. On a planned subdivision we can do that and not on the arterial streets and we do have green spaces. His own yard is 20 feet deep, and it has a pool and a trampoline and a lot of toys in the backyard and it works. When he talks about the diversity of housing he is talking about you either have a big 1-1/2 acre lot or this type of product. It just gives an opportunity for more people to live within the area than living further downtown. We do think it is appropriate and it improves the area, and when you make this type of development you have the obligation to improve your adjacent right-of-way, it's good that these developments put these improvements in.

Commissioner Arnett said he appreciates Mr. Hagedorn's concerns with fire and traffic, and the applicant has done a good job including this in the presentation. The reason we go through this planning process is they have vetted out what needs to be done. This project wouldn't need to be this size if people didn't buy it and we would not allow it if it was not going to be safe and have proper utilities. As he listened to the concerns he is confident they thought through the traffic, and the letters stating no adverse effect on the surrounding areas. It might change the landscape a little bit but that's why they are planning for it.

Chairperson Ruby said as the developer goes through the approval process, you'll see in the conditions of approval there is a traffic study that is required to make sure they are providing the facilities or roadways that work for the community. The servicing type issues continue to be addressed throughout the process.

Commissioner Lindblom said he grew up in Gilbert and there were a lot of changes and as those changes occurred he had some of those concerns himself. He encourages people to be involved with the towns and the cities on those general plan amendments, it is really important as a community. Don't just let it go, be part of the voice. It looks like this general plan was updated in 2017 and it's not something that is dated, there are big processes to get these plans updated. Be informed and be a part of those plan amendments if you are concerned on what is happening in your community.

COMMISSION ACTION: Commissioner Burrows motioned to approve Z2018049 with conditions 'a'-'h'. Commissioner Arnett second. Approved 6-0.

- a. Development of the site shall be in general conformance with the Zoning Exhibit entitled "Zone Change from R1-18 to R1-6 RUPD for Zanjero Pass, Parcel 4, Phase 1", consisting of one full-size sheet, dated June 6, 2018 and stamped received June 11, 2018, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Zanjero Pass, Parcel 4, Phase 1", consisting of 15 pages,

dated June 11, 2018, and stamped received June 11, 2018 , except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
 - 1. Without the submittal of precise plans, no development approval is inferred by this review, including, but not limited to, drainage design, access, and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 - 2. Development of the site will require roadway improvements to provide a minimum of two (2) paved points of access. Road improvements shall meet the minimum requirements of MCDOT for each respective road classification.
 - 3. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
- d. All buildings should be subject to noise attenuation as per ARS § 28-8482(B).
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The following R1-6 RUPD standards shall apply:
 - 1. Height: 30' (20' within 200' of Olive Ave. centerline)
 - 2. Front Yard: 18' with front loaded garage; 10' for side loaded garage or living area
 - 3. Rear Yard: 20'
 - 4. Lot Area: 5,000 sq. ft.
 - 5. Lot Width: 45'
 - 6. Lot Coverage: 55%
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application

to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Special Use Permit - Z2017115 (Cont. from 4/12/18 & 3/8/18)

District 1

Applicant: Paul Almond, Architectural Design Group
Location: Generally located approximately 800' north of the northeast corner of Hunt Hwy. and Arizona Ave. in the Chandler area
Request: Special Use Permit (SUP) to allow a recycling center in the C-3 zoning district – 26423 S. Arizona Ave. Recycling Center

Mr. Tavassoli presented Z2017115 and noted the recycling business is a one-man business, operating between 8:00 a.m. and 5:00 p.m. daily. The business entails collecting, sorting and distributing recyclable metals. There are typically 10-20 customers per day. Export shipments of sorted materials occur once per day. The tenant uses the existing carport for shade and operations, including customer check-in, weighing of recyclables, and cashing. The balance of the property is used for recycling operations. A bathroom facility will be provided in a 10'x20' prefabricated building. There will be no manufacturing or processing of recycled materials on the site or heavy machinery to generate noise. On June 19, 2017, the owner of the subject property was cited under Case No. V201701043 for operating the recycling collection center without proper entitlement. This SUP will close the violation case and will allow the operation to continue for 10 years from the date of approval. Staff received six letters of opposition from residents within 300 feet of the property. Five of the letters come from residents at Sun Lakes to the west and one lives in San Tan Vista to the east, and they noted truck traffic and noise as their primary concerns. In current zoning of C-3, the recycling collection operation is not allowed without a Special Use Permit for an interim industrial use for a duration no more than 10 years. Staff believes that the SUP is reasonable and necessary to close the land use violation case. This use is typically allowed in an industrial zoning district, and the use will be limited to recycling collection, and it is compatible with the neighboring commercial uses. Staff recommends approval subject to conditions 'a'-'g' as outlined in the staff report.

Commissioner Arnett asked if the properties across the canal to the east are industrial properties. Mr. Tavassoli said they are residential, San Tan Vista.

Commissioner Arnett asked what the allowed uses in C-3 zoning are. Mr. Gerard said industrial uses are not permitted in C-3, for instance heavy equipment and tractor sales may seem industrial but it is a commercial use. There is such a use located on the east side of SR-87 a couple blocks north.

Chairperson Ruby asked about a comment on the narrative that said the violation was the result of them coming in for an electrical permit. She was curious to know if that is accurate or is the violation a result of complaints about the operation. Mr. Gerard said we open violations based upon complaints.

Commissioner Arnett asked if there are any stipulations on the decibels or what kind of machinery can be used or is it just for recycling. Mr. Tavassoli said it's just recycling.

Mr. Paul Almond the architect said he is representing Ms. Anabelle Cooper the owner of the property. When Ms. Cooper leased the property to the tenant about 18 months ago they opened up the recycling center, and they asked him to check if they could get electricity on the property. That's when he submitted plans to the building department asking to put in electrical and at that point it came to their attention they would need a Special Use Permit to have a recycling collection center. That's when the violation process started along with the special use process. Ms. Cooper signed a letter of compliance agreeing to go through this process and make sure everything was legal. He did not think there was a complaint from any of the neighbors that generated the violation. The opposition letters from the neighbors had to do with the noise along Arizona Avenue, and as growth heads that way there will be more and more traffic. The recycling center only generates 10 to 15 cars a day bringing in bags of aluminum cans then they leave. There's usually no more than two or three cars at one time, and once or twice a week a truck comes in to pick up the cans that have been sorted and hauls them away. That's the limit of the traffic they generate along Arizona Avenue. A Circle K or a retail store would generate a lot more traffic than they do.

Vice Chairman Andersen asked what kind of noise is generated with the recycling facility. Mr. Almond said mostly aluminum cans are brought in and some metals, they are sorted by hand and put in large bags or bins and then they are set off to the side waiting for a truck to pick them up. There is no crushing equipment and everything is done by hand, it's just a two-man operation and it is fairly quiet. In the 18 months they've been in operation he has not heard of any complaints from the neighbors.

Commissioner Lindblom asked if they have a forklift. Mr. Almond said yes they do have an electric forklift, it is used to lift the really large bags into the truck.

Vice Chairman Andersen said it sounds like the noise is minimal and Arizona Avenue carries a lot of traffic. The traffic will increase as Coolidge and other areas become more and more developed over time. The traffic that is generated on the site is very minimal, so he is comfortable with the applicant's request, and it is limited to ten years. After ten years the applicant would need to come back in for a renewal.

Mr. Gerard said he's learned the complaint came from Developmental Services. They came in for an electrical permit and Developmental Services couldn't give them a permit that didn't have an entitled use. The applicant then entered into a compliance agreement and they have abided by the terms of the compliance agreement which requires them to get the proper entitlement. There were no citizen complaints despite the fact there's complaints for the zoning case which were likely triggered by the signs going up.

Commissioner Lindblom asked about the complaint letter making reference to living across the canal with concerns of visibility and the storing of materials. Is it currently allowed and are there requirements with screening to mitigate their concerns.

Mr. Gerard said C-3 zoning allows outdoor storage and there are certain screening from the street and from adjacent non-commercial, non-industrial properties. In this instance, there's an eight foot solid wall and he is not sure if it would make a difference to the canal to the rear which is raised.

Mr. Tavassoli said the storage of the materials is part of the Special Use Permit request as an interim industrial use. The canal is bermed on either side and it provides a little bit of screening. Commissioner Lindblom said he couldn't tell from the pictures of what the homeowner really sees since they are not here today to ask.

Commissioner Arnett said he is fine with it, there's probably more noise with trucks going down the street than the recycling of cans. His only concern is if it could be bigger, could they bring in big crushing equipment, but as it is now he is not concerned with the noise or the use.

Chairperson Ruby said she had that same thought about growth, but she is comfortable with it because of the constraints of the site, it's a fairly small site and there's only so much room for additional equipment. As it's been described, the noise from the operation doesn't seem a concern as it is today.

Vice Chairman Andersen asked is the existing current use what's being approved in the SUP or does the Special Use Permit allow an expansion of that use to be more intense. Mr. Tavassoli said the SUP will not allow expansion of the use, and as far as the intensity of the use this approves what is there occurring and existing currently. The applicant is bound to the narrative they provided and the type of use they are requesting.

Vice Chairman Andersen asked if additional heavy equipment was brought in at a future date would it become more intense and noisier then would they be out of compliance with the SUP. Mr. Gerard said he can't say that is exactly correct, they are bound in this six-tenths of an acre SUP geographic area. They cannot add buildings since it is site plan specific but if the applicant wants to suggest an additional stipulation, if that gives you a certain comfort level. This is a fairly small site for an industrial type operation and they are very limited of what they can do on site.

Commissioner Arnett said they can recycle however they want to, he just doesn't want it to get out of control. He will support this because he does not think you can do much in that small area.

COMMISSION ACTION: Vice Chairman Andersen motioned to approve Z2017115 with conditions 'a'-'g'. Commissioner Zamora second. Approved 6-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit Recycling Collection Center", consisting of one (1) full-size sheet, dated January 16, 2018 and stamped received January 16, 2018, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "January 16, 2018", consisting of 4 pages,

stamped received January 16, 2018, except as modified by the following conditions.

- c. This Special Use Permit shall expire 10 years (August 29, 2028) from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first. All of the site improvements that do not meet C-2 zoning district standards and cannot be readapted to a permitted use shall be removed within 60 days of such termination or expiration.
- d. The following Engineering condition shall apply:
 - 1. Storage of materials, walls/fence/ parking and storm water retention are prohibited in the right-of-way.
- e. The applicant shall obtain a driveway permit from ADOT within 60 days of approval of the Special Use Permit.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Zoning - Z2017069

District 4

Applicant: Greg Loper
Location: Generally located 2,600' north of the NEC of Olive Ave. and 203rd Ave. alignment in the White Tanks area
Request: Zone Change from Rural-43 to C-3 CUPD – White Tanks Ranch

Mr. Scheerer presented Z2017069 and noted the site is immediately adjacent to the White Tanks Regional Park. The proposal includes a precise plan of development for a portion of the site approximately four acres for a restaurant and micro-brewery and will consist of approximately 5,900 square feet of building area with 3,700 square feet of patio area

and 17,000 square feet of outdoor beer garden area. The applicant proposes to waive the front, side-street, side rear, and screening waivers of the C-3 district, in addition to adjusting the parking requirement ratio and time to begin construction regulations. The purpose of the waiver requests are to blend the proposed development with the surrounding natural environment which includes the White Tank Regional Park and native landscape. The rezone area and the development areas are surrounded by the White Tanks Regional Park, State Trust Land and the applicant's active working ranch. Staff received two letters of opposition, the opposition believes the development and rezone are not appropriate for the area and commercial development should be located closer to the 303 Highway. The applicant desires to locate the development in this specific location due to the surrounding environmental conditions. The intent is to develop a destination place whose biggest amenity is the surround natural environment. The City of Surprise General Plan 2035 designates this area as commercial office which permits uses such as a restaurant and micro-brewery. Maricopa County Environmental Services Department (MCESD) has raised concerns of the provision of drinking water for the restaurant and micro-brewery but are not objecting to the proposal. The applicant has proposed to locate the micro-brewery in this specific location due to the quality of the natural well water found at the site. Staff recommends approval with conditions 'a'-'h' listed in the staff report.

Mr. Greg Loper, representing the property owner said this project is somewhat about a dream, many may know of the Kunasek family, they are a multi-generational figure in the Arizona landscape. This particular property is part of a larger property owned by them, and they have been ranching on for about a quarter of a century. They have additional acreage above and beyond the one today plus there is about 5,000 acres of State Land to the north, east and south of them that they have leasing rights today for those ranching operations. They also have stables and other horsing activities going on today. About ten years ago, Andy Kunasek was on the Board of Supervisors for Maricopa County, and he started talking to him and others about his dream to create a venue that would enhance the scenic view of the White Tank Mountains. If you've been out there for a hike or driven to the library or just been in the area, it's a gorgeous area. His proposal is to add a small dining and outdoor entertainment venue and a micro-brewery. He believes he has a recipe for a certain type of brew that's going to be very successful. He painted it as a very large operation, and someday it will transform. The Surprise General Plan indicates this for being office and commerce, and our proposed usage in the future would dovetail nicely with that land use designation. Today, the limiting factor is the availability of water and the ability to serve the wastewater that is generated from this facility. They have been in conversation with MCESD about ways to address that, and they are pretty confident they can do that with the operation today. For those that have been in the area for a long time may recall Greasewood Flat or San Tan Flat or Tortilla Flat, they were these remote areas to go have a burger, a drink, and outdoor entertainment and a place to bring the entire family. These places were way out there, it will not be of that extent but it is along those lines. We believe this will be a draw, but not a significant draw since it's not a large operation. It will bring people out there who otherwise have not been in that area. It's an opportunity to actually help preserve and protect that area by the land use and ranching activities. As we saw the previous agenda items today, six of the seven items on the agenda were in the west valley and along Olive Avenue. Growth is coming and we would like to be ahead of it, because if

you're trying to do this with stuff next to you it can become problematic. We are pioneering by going out into this area and we are also hoping by doing this, it will carve out this niche by the White Tank Mountain Regional Park where people can go enjoy for a number of years.

Chairperson Ruby said we do not have any speaker cards on this case, but we do have the two letters of opposition which are generally objective to the use in the area. Ms. Michelle Theis said sorry she came in late and she wishes to speak.

Ms. Theis said she lives in Surprise and she is opposed to anything being built out there. Her family and multiple friends and many running clubs are opposed to this but couldn't come out today. The section they are talking about used to be a ranch with horseback riding and it is very rural and very rustic. Olive is a two lane road and she hates to see anything being developed out there since it will cause a lot of density. Although a lot runners do like to drink beer we just don't want it there. Maybe to have it closer to Citrus where Cortessa and White Tank Foothills are along that intersection. There is a canal that runs on the other side of Perryville Road, and we hate to see anything develop any further than that. There is a community on the south side of Olive but it is a very expensive custom gated community with low density housing, and everything else is just desert. Those of us that live out there love the open space, that's our getaway and there's people that live further away that come to getaway. We don't want to see development out there, we don't want to see a bar out there or smell burgers being cooked or people partying. The 303 Freeway does not have an exit off of Olive, people either have to come off of Peoria or they have to go Glendale to get off. We don't want to see development right up against the base of the White Tank Foothills, it's a nice place to go and get away. That's her two-cents and a couple hundred of other people that feel the same way.

Commissioner Arnett asked how close she lives to the site. Ms. Theis said she lives off of Bullard and Peoria, about five or six miles away. Her husband bike rides out there and there are so many runners and bikers and they hate to see the congestion. She has been a real estate agent for 23 years, and she has seen it and lived it and has worked with builders. She loves getting people into their homes, but she hates the density. The community she lives in she sold for the builder where she has a 16,000 square foot lot. She lives there because she loves the space, and wishes cities and communities would not build everything and pack everyone in like sardines as the previous gentleman mentioned. When you go and help someone find a house you cannot even find a house for anything under \$200,000, the prices have just skyrocketed.

Chairperson Ruby asked if the ranch operation is not the subject of this and is it exempt under an agricultural exemption. Mr. Scheerer said the ranch is located to the south of this site, it is an active ranch with an active agricultural exemption status on it.

Commissioner Zamora said we had this conversation last meeting and the meeting before, this is a large area and we are Maricopa County and everything is going west. Change is coming and there is nothing that it going to stop it. To have sites that can be ahead of the ballgame and improve on the area, so it gives some sense of what places can be around it. That's a good thing since change is coming no matter what we do

about it. This is a great site and they have taken the time to make it something special and that would be the expectation of those that come behind them.

Commissioner Arnett said this is hard and we got to live somewhere. The very core of this project is to preserve it, and they control the land around it so that the success of the project is to keep density from coming close to it. It might not be in the next 10 or 20 years, and things would be encroaching then. This will always be a destination point and we like our space.

Chairperson Ruby said the underlying municipal plans are collaborative tools for the County to play nicely with our neighbors, and having a fit there is important. A deviation from that would be a different conversation.

COMMISSION ACTION: Commissioner Burrows motioned to approve Z2017069 with conditions 'a'-'h'. Commissioner Zamora second. Approved 6-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Zoning Exhibit" consisting of 3 full-size sheets, dated May 29, 2018 and stamped received May 29, 2018 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "White Tank Ranch Narrative Report", consisting of 16 pages, dated May 29, 2018, and stamped received May 29, 2018 except as modified by the following conditions.
- c. The following C-3 CUPD standards shall apply:
 1. Front Yard: 0'
 2. Side Yard: 0'
 3. Street-side Yard: 0'
 4. Rear Yard: 0'
 5. Screening: none
 6. Parking – Outdoor Area: 1:250 sq. ft. area
 7. Construction shall be permitted to begin 5 years from the date of Board of Supervisors approval
- d. The following Planning and Engineering comments shall apply:
 1. The maximum depth of the wet crossings across the access drive leading from Olive Avenue to the site shall be at a maximum depth of eight (8) inches, based on the 100 year peak runoff flow, unless otherwise waived through the County's Drainage Waiver process.
 2. Peak runoff rates for each of the offsite drainage basins (that are 160 acres or less) must be calculated based on the Rational Method conforming to the County Drainage Design Manual-Vol. 1- Chapter 3.

3. Prior to issuance of building permit(s), a Drainage Waiver must be obtained to permit retention basins to be sized for less than the 100 yr., 2 hr. storm volume (i.e. to allow only first flush retention). The basin's tributary area must match the ± 4 acre disturbance area.
 4. Berms used for retention of storm water shall have a minimum berm top width of eight (8) feet. Alternate designs to reduce this width may be considered at with the project's final design.
 5. The site must be graded so that storm water runoff is directed to the retention basin(s).
 6. Retention basin(s) must drain within 36 hours.
 7. Placement of fill or other improvements in the floodway of the Cholla Wash will require a no rise (in water surface elevation) certification by a licensed civil engineer.
 8. Concentrated flows in unpaved (gravel/ABC) parking areas must be stabilized.
 9. Detailed Grading and Drainage Plans showing the new site improvements; and a Drainage Report must be submitted for the acquisition of building permits.
- e. The following Maricopa County Environmental Services Department comment shall apply:
1. Prior to issuance of any construction permits, the applicant must obtain approvals from MCESD Onsite and Drinking Water Programs.
- f. The zone change with CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowners. The granting of this approval allows the property owners to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration

to revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Chairperson Ruby adjourned the meeting at 10:41 a.m.

Prepared by Rosalie Pinney
Recording Secretary
July 26, 2018